

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: March 12, 2013
Public Hearing: April 2, 2013

CONTACT PERSON/PHONE: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance releasing all conditions placed on property by Special Contract of December 26, 1984, attached to Ordinance No. 8239, which changed the zoning of the Lots 15 to 23, Block 212, Alexander Addition Replat "A", City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2600 Oregon. Property Owner: El Paso Murchison Oregon Investors LLC / McDyer LLC. PZCR13-00001 (District 1)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

CPC Pending

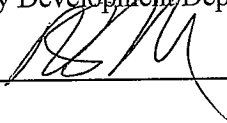
*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY SPECIAL CONTRACT OF DECEMBER 26, 1984, ATTACHED TO ORDINANCE NO. 8239, WHICH CHANGED THE ZONING OF LOTS 15 TO 23, BLOCK 212, ALEXANDER ADDITION REPLAT "A", CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *Lots 15 to 23, Block 212, Alexander Addition Replat "A", City of El Paso, El Paso County, Texas*, was changed by Special Contract approved by City Council on December 26, 1984, attached to ordinance No. 8239; and,

WHEREAS, the rezoning was subject to certain zoning conditions, and

WHEREAS, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal of the condition because the condition is no longer necessary; and,

WHEREAS, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release of all conditions; and,

WHEREAS, the City Council of the City of El Paso has determined that the release of certain conditions will protect the best interest, health, safety, and welfare of the public in general.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

1. That all of the zoning conditions imposed by Special Contract approved by City Council on December 26, 1984, attached to ordinance No. 8239, on the property described as *Lots 15 to 23, Block 212, Alexander Addition Replat "A", City of El Paso, El Paso County, Texas*, be released because the condition is no longer necessary.

Condition as follows:

That the property shall only be used for medical professional offices, clinics and other medical practitioner's offices and medical-related retail uses.

2. As herein amended, Special Contract of December 26, 1984, attached to ordinance No. 8239, shall be released in its entirety.

PASSED AND APPROVED this _____ day of _____, 2013.

(Signatures on following page.)

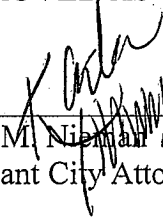
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Karla M. Nielsen
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Director
City Development Department

MEMORANDUM

DATE: February 26, 2013

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Michael McElroy, Planner

SUBJECT: **CONDITION RELEASE PZCR13-00001**

This case is pending the City Plan Commission's approval or denial recommendation at the scheduled March 7, 2013 hearing.

There have been no communications in support or opposition to this request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZCR13-00001
Application Type: Condition Release
CPC Hearing Date: March 7, 2013
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: 2600 N. Oregon Street
Legal Description: Lots 15 to 23, Block 212, Alexander Addition Replat "A", City of El Paso, El Paso County, Texas
Acreage: 0.504
Rep District: 1
Zoning: S-D/sc (Special Development/special contract)
Existing Use: Vacant Medical Offices
Request: Release conditions imposed by Special Contract dated December 26, 1984
Proposed Use: Medical Offices
Property Owner: El Paso Murchison Oregon Investors LLC / McDyer LLC
Representative: T.J. Karam

SURROUNDING ZONING AND LAND USE

North: A-O (Apartment-Office) & C-1 (Commercial) / Office & Retail
South: R-4 (Residential) & GMU (General Mixed-Use) / UTEP & Parking lot
East: C-1 (Commercial) & C-2 (Commercial) / Retail
West: R-4 (Residential) / UTEP

Plan El Paso Designation: G2-Traditional Neighborhood (Walkable), (Central Planning Area)

Nearest Park: Arroyo Park (1,378 ft.)

Nearest School: Mesita Elementary School (3,039 ft.)

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on February 21, 2013. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The request is for a release of all conditions as required by Special Contract dated December 26, 1984 (see attachment 4) as described below:

- The property shall only be used for medical professional offices, clinics, and other medical practitioner's offices, and medical-related retail uses.
 - No longer applicable.

CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the condition release request as the condition restricts the property to a single use (medical offices). All S-D uses are compatible with the surrounding uses, as well as the future land use map, and therefore warrant release to allow all S-D zoning district uses.

Plan El Paso- Future Land Use Map Designation

All applications for a condition release review shall demonstrate compliance with the following criteria:

G-2 – Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly face streets; schools, parks, and small shops are integrated with residential areas. This sector is well suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

The purpose of the S-D (Special Development) district is to provide mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. Designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. Older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

City Development Department – Land Development

No Objection. Grading plan and permit shall be required.* Storm Water Pollution Prevention Plan and/or permit required.* Drainage plans must be approved by the City Development Dept. Land Development Section.* * This requirement will be applied at the time of development.

City Development Department – Planning Division - Transportation

No Objection.

Fire Department

No objections.

City Development Department – Planning Division – Building Permits & Inspections

Applicant shall meet the landscape code at the time of permit.

EPWU

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. There is an existing six (6) inch diameter water main that extends along the alley between Oregon Street and Mesa Street. This water main is available for service
3. There is an existing twelve (12) inch diameter water main that extends along N. Oregon Street fronting the western boundary of the subject property. This water main is available for service
4. There is an existing twenty four (24) inch diameter water main that extends along N. Oregon Street on the western boundary of the subject property. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.
5. EPWU records indicate eight (8) vacant water service meters at the subject property. The service address for these meters is 2600 N. Oregon Street.
6. Previous water pressure readings from fire hydrant #1861, located on the northeast corner of the

intersection of Cincinnati Ave. and N. Oregon, have yielded a static pressure of 100 pounds per square inch (psi), a residual pressure of 92 psi and a discharge of 1212 gallons per minute (gpm).

7. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

8. There is an existing eighteen (18) inch diameter sanitary sewer main that extends along the alley between Oregon Street and Mesa. Our records show an existing service connection.

9. Application for additional water services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

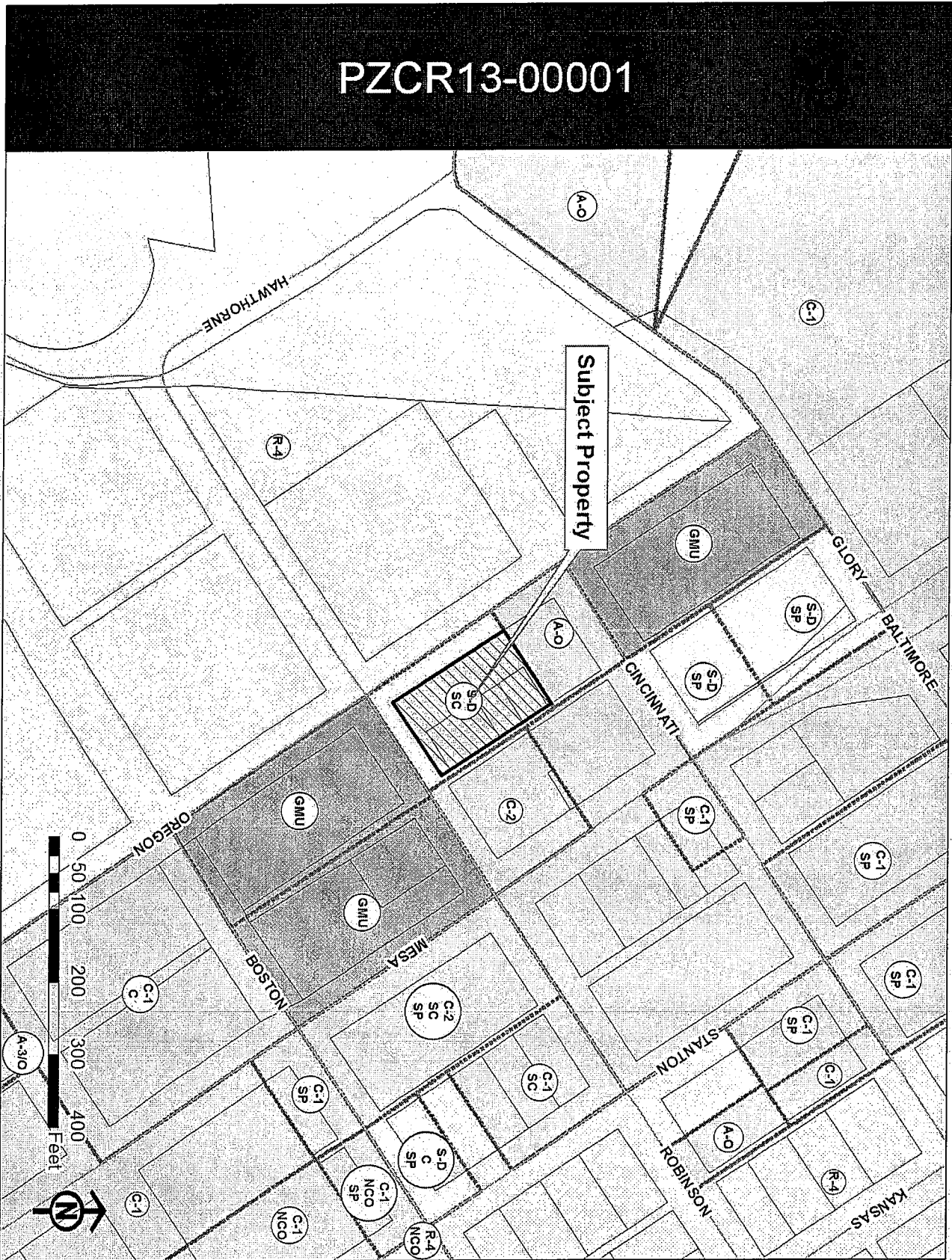
The City Plan Commission may consider the following options and additional options that it identifies when reviewing a condition release request:

1. Recommend approval of the application finding that the detailed site development plan is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the detailed site development plan into conformance with the review criteria in Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the detailed site development plan does not conform to the review criteria in Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

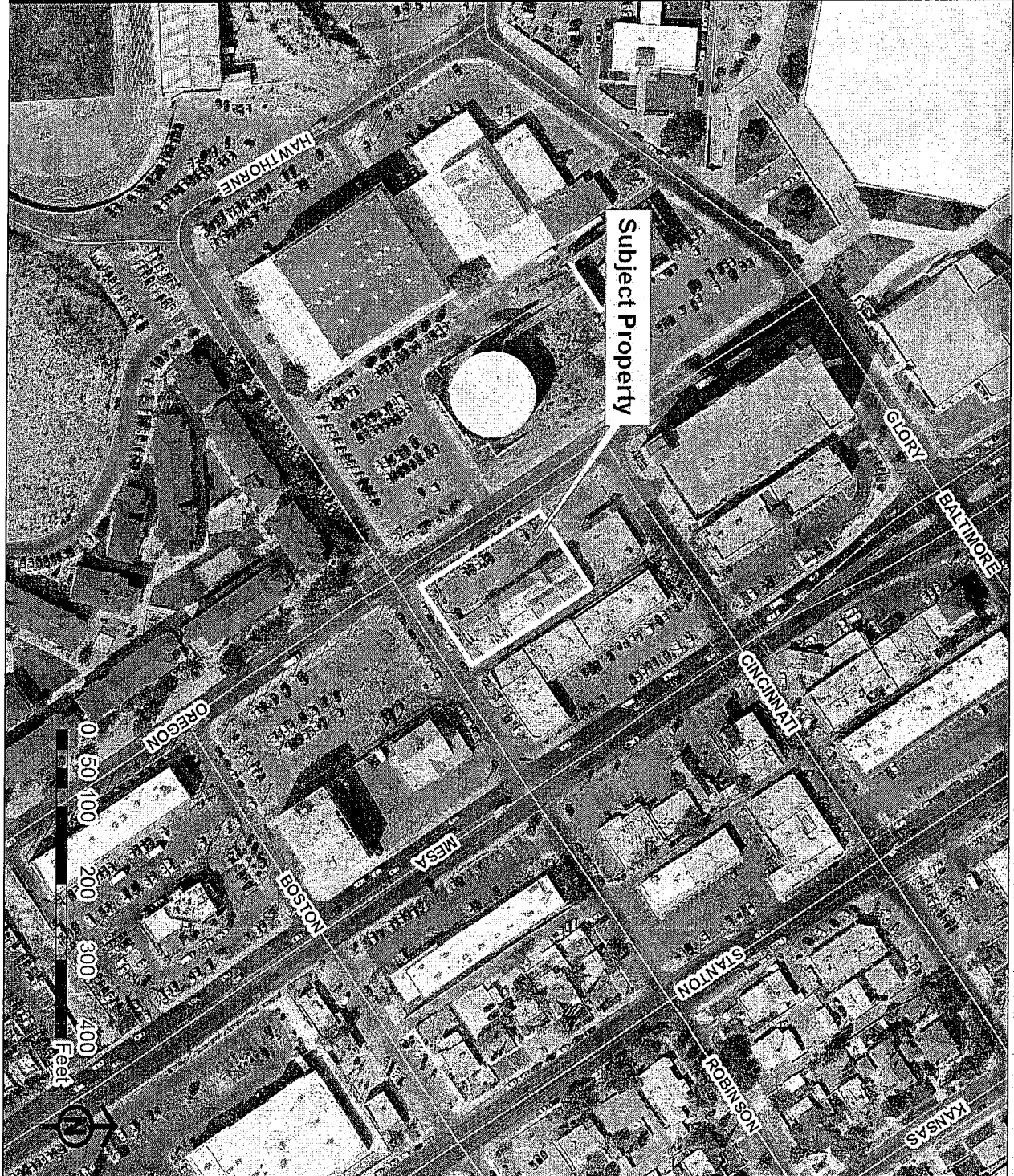
1. Location Map
2. Aerial Map
3. Detailed Site Development Plan
4. Special Contract Dated December 26, 1984

ATTACHMENT 1: LOCATION MAP

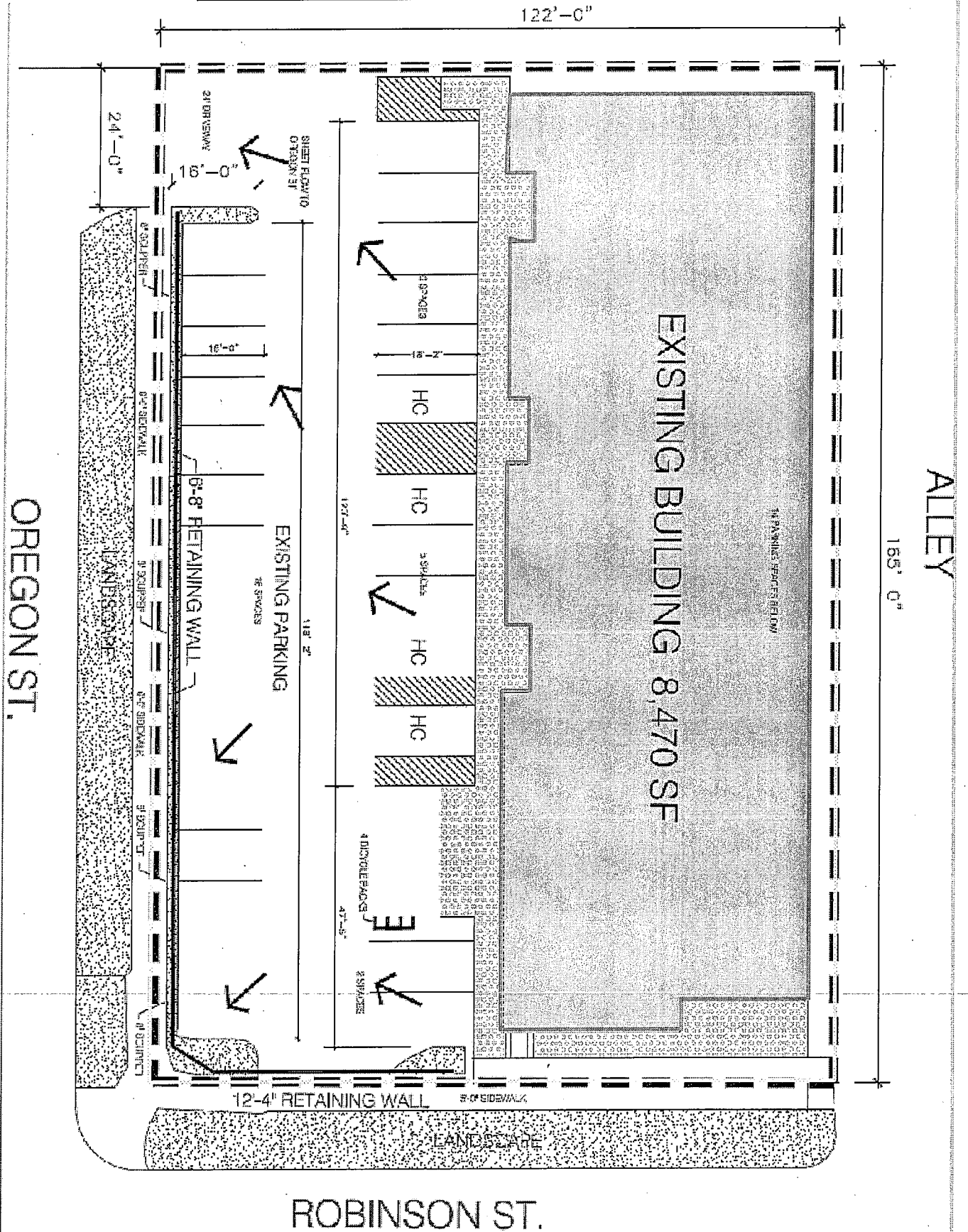


ATTACHMENT 2: AERIAL MAP

PZCR13-00001



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: SPECIAL CONTRACT DATED DECEMBER 26, 1984

CONTRACT

THIS CONTRACT, made this 26th day of December, 1984, by and between HAROLD BLOCK, JR., First Party, DESMOND McCANN, INC. and MEL LEVENSON, INC., REALTORS, Second Parties, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning the South 24 feet of Lot 14, all of Lots 15-20, Block 212, ALEXANDER ADDITION, City and County of El Paso, Texas. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned from A-O (Apartment/Office) District to S-D (Special Development) District within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. The property shall only be used for medical, professional offices, clinics and other medical practitioner's offices and medical-related retail uses.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Parties are the owners and holders of a recorded lien on the property and consent to this contract.